

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, April 18, 2006  
Tuesday, 9:06 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Patsy Eichacker, Deputy City Clerk; present.

Pastor Dave Henion, Harvest Community Church, gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the April 11, 2006 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS

## Proclamations

Proclamations:

Mayor Mayans read aloud the following proclamations:

- Arbor Day
- Administrative Professionals Week
- Museum of World Treasures Day
- Earth Day
- Recognition of International Students

CONSENT AGENDA

Motion--  
--carried

Mayans moved that Consent Agenda Items 1 through 15a, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

**BOARD OF BIDS****REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED APRIL 17, 2006.**

Bids were opened April 14, 2006, pursuant to advertisements published on

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications:

Drainage Improvements to 29th Street & Lake Ridge to serve Oak Ridge Addition - west of Ridge Road, north of 29th Street. (468-84164/660520/856101) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Dondlinger & Sons - \$44,430.00

# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 2

2004-2005 Traffic Signalization Program, Phase VI: Install Traffic Signals at 21st Street North & Founders Circle. (472-84402/706911/204377) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Sims Electric Service Inc. - \$45,100.00

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Interior and Exterior Modifications – 1511 Arnold, 1620 Arnold and 1715 North Mathewson.

Eugene Anderson - \$60,000.00 (Total net bid)

HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Interior and Exterior Modifications-Homes at various sites.

H & R Construction \$45,000.00 (Group 1/total net bid)

H & R Construction - \$30,000.00\* (Group 2/total net bid)

Tie bid - Awarded by coin toss

POLICE DEPARTMENT/SUPPORT SERVICES DIVISION: Police Leather Accessories.

Baysinger Police Supply - \$112,009.40\* (Total base bid)

\*Estimate – Contract approved on unit cost basis.

PARKS & RECREATION DEPARTMENT/PARKS MAINTENANCE DIVISION: Disc Brush Chipper.

Vegetation Management Supply Inc. \$29,582.00 (Total net base bid)

\$ 750.00 (Group 1 Option 1)

\$ 1,106.00 (Group 1 Option 2)

< - \$ 5,750.00 > (Group 1 Option 3/deduct)

\$25,688.00 (Total base bid)

WATER & SEWER DEPARTMENT/CUSTOMER SERVICE DIVISION: Blue Water Bills.

Associated Business Forms - \$25,340.00\* (Total net bid)

\*Estimate – Contract approved on unit cost basis.

PUBLIC WORKS DEPARTMENT/FLEET DIVISION: Elgin Main & Gutter Brooms Street Sweepers.

Key Equipment & Supply Co. - \$33,375.00\* (Total net bid)

\*Estimate – Contract approved on unit cost basis.

POLICE DEPARTMENT/INVESTIGATIONS DIVISION: Carpet (Sixth Floor).

Commerce Construction Services, Inc. - \$51,498.00\* (Per U.S. Communities

Milliken Carpet Contract)

\*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements – Ordinance No. 38-122 Section 2.64.020 (j).

AIRPORT DEPARTMENT/ENGINEERING DIVISION: High-Speed Airfield Air Sweeper.

Midwest Truck equipment - \$160,763.00 (Total net bid)

# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 3

PARKS & RECREATION DEPARTMENT/GOLF DIVISION: Fertilizers, Herbicides, Pesticides.

BWI Springfield - \$729.60\* (Group 10 total net bid)

\*Award redirected

Helena Chemical Co. – \$6,480.00 (Group 11 total net bid)

\*Award redirected

Motion--  
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## LICENSES

### APPLICATION FOR LICENSES.

#### Renewals:

|                    |  |                     |
|--------------------|--|---------------------|
| Lewis F. Self, Jr. | Adult Entertainment Industries, Inc.<br>dba After Dark Video | 7805 Kellogg        |
| Lewis F. Self, Jr. | Adult Entertainment Industries, Inc.<br>dba After Dark Video | 3721 South Broadway |
| Lewis F. Self, Jr. | Adult Entertainment Industries, Inc.<br>dba After Dark Video | 2809 North Broadway |

Motion--  
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

## CMB'S

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

|                     |                    |                                   |
|---------------------|--------------------|-----------------------------------|
| <u>Renewal</u>      | <u>2006</u>        | <u>(Consumption on Premises)</u>  |
| Mui Fong Yu (Tam)   | Toms Lotus Garden* | 822 South Broadway                |
| <u>Renewal</u>      | <u>2006</u>        | <u>(Consumption off Premises)</u> |
| Dennis Folden       | Kum & Go #323      | 3405 South West Street            |
| Dennis Folden       | Kum & Go #326      | 277 South Ridge                   |
| Dennis Folden       | Kum & Go #328      | 6330 East 21st Street North       |
| <u>New Operator</u> | <u>2006</u>        | <u>(Consumption on Premises)</u>  |
| Tom Tuan Nguyen     | PHO 135*           | 2409 East Pawnee                  |

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--  
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 4

## **PRELIMINARY ESTS. PRELIMINARY ESTIMATES:**

- a) 2006 Contract Maintenance Asphalt Mill & Overlay, Phase 2 - south of 29th Street North, east of Meridian. (472-84373/132719/133116/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV) - \$836,400
- b) Water Distribution System to serve Liberty Park 2nd & 3rd Additions - south of 13th Street North, east of 135th Street West. (448-89895/735306/470977) Does not affect existing traffic. (District V) - \$121,000
- c) Gilbert from the east line of 127th Street East to the east line of Lot 1, Block 4 to serve Country Hollow Addition - south of Kellogg, east of 127th Street East. (472-84350/765977/490092) Does not affect existing traffic. (District II) - \$216,000
- d) Peckham/Laguna/Sierra Hills from the south line of Gilbert to the north line of Lot 20, Block 3; Peckham Court serving Lots 1 through 15, Block 2, from the west line of Peckham to and including the cul-de-sac; Peckham Court serving Lots 16 through 27, Block 2, from the west line of Peckham to and including the cul-de-sac; Laguna from the east line of Lot 36, Block 2 to 237 feet east of the east line of Lot 36, Block 2 to serve Country Hollow Addition - south of Kellogg, east of 127th Street East. (472-84328/765974/490089) Does not affect existing traffic. (District II) - \$625,000

Motion--carried

Mayans moved that the Preliminary Estimates be approved. Motion carried 7 to 0.

## **CASA DE FAMILIA**

### **PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM IN CASA DE LA FAMILIA ADDITION, NORTH OF 32ND STREET NORTH, EAST OF ARKANSAS AVENUE. (DISTRICT VI)**

Agenda Report No. 06-0399

The Petition has been signed by one owner representing 100% of the improvement district.

The project will serve a new commercial development located north of 32nd St. North, east of Arkansas Avenue.

The Petition totals \$30,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--  
--carried

Mayans moved that the petition be approved; the resolution be adopted; and the necessary signatures be authorized Motion carried 7 to 0.

## **RESOLUTION NO. 06-175**

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90189(north of 32<sup>nd</sup> Street North, east of Arkansas) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 5

## HARRISON PARK

### **PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM IN HARRISON PARK THIRD ADDITION, NORTH OF HARRY, EAST OF WEBB. (DISTRICT II)**

Agenda Report No. 06-0400

The Petition has been signed by two owners representing 100% of the improvement district.

The project will provide water service to a new commercial development located north of Harry, east of Webb.

The Petition totals \$44,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--  
--carried

Mayans moved that the petition be approved; the resolution be adopted; and the necessary signatures be authorized Motion carried 7 to 0.

#### RESOLUTION NO. 06-176

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90188 (north of Harry, east of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## N. RIDGE VILLAGE

### **PETITION TO PAVE VILLA PARKWAY IN NORTH RIDGE VILLAGE ADDITION, NORTH OF 37TH STREET NORTH, WEST OF RIDGE. (DISTRICT V)**

Agenda Report No. 06-0401

On March 22, 2005, the City Council approved a Petition to pave Village Parkway in North Ridge Village Addition. Based on recent bid prices, it is doubtful that there is sufficient funding in the Petition budget to award a construction contract. The developer has submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

The project will serve a new commercial development located north of 37th St. North, west of Ridge.

The existing Petition totals \$670,000. The new Petition totals \$799,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--  
--carried

Mayans moved that the petition be approved; the resolution be adopted; and the necessary signatures be authorized Motion carried 7 to 0.

#### RESOLUTION NO. 06-177

Resolution of findings of advisability and resolution authorizing constructing pavement on Village Parkway from the west line of Ridge Road to the east line of Lot 5, Block 1 (north of 37<sup>th</sup> Street North, west of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 6

## **STREET CLOSURES     CONSIDERATION OF STREET CLOSURES/USES.**

Agenda Report No. 06-0402

In accordance with the Community Events Procedure, the event promoter has notified adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

- 1)        Wichita Cyclefest Race Series – Saturday, May 6, 2006 from 9:00 am –6:30 pm  
            East 35th Street North, East 36th Street North and North Ridgewood Drive. No major streets are impacted.

Client will arrange to remove blockades as necessary to allow residents and emergency vehicle access during entire designated time period. Adjacent property owners have consented to the requested closure and have responded with signed approval.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion--

Mayans moved that the request, subject to: (1) hiring off-duty certified law enforcement officers as required; (2) obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department, be approved. Motion carried 7 to 0.

--carried

## **AUBURN HILLS**

### **AGREEMENT TO RESPREAD ASSESSMENTS-AUBURN HILLS 16TH ADDITION, SOUTH OF MAPLE, WEST OF 119<sup>TH</sup> STREET WEST. (DISTRICT V)**

Agenda Report No. 06-0403

The landowner, West Wichita Development, Inc., platted Auburn Hills 16th Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in a number of improvement districts for several public improvement projects. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis.

There is no cost to the City.

The Agreement has been approved as to form by the Law Department.

Motion--

Mayans moved that the agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

## **SUMMER OF DISCOVERY**

### **SNACKS FOR THE SUMMER OF DISCOVERY PROGRAM.**

Agenda Report No. 06-0419

Summer of Discovery (SOD) is a weekly summer camp program offered for children ages 6-13. Camp is conducted at nine of the Recreation Centers and provides weekly summer activities for approximately 500-550 campers during the 10-week program. Camp hours are from 7:00 AM to 6:00 PM. In order to meet the required KDHE nutritional guidelines, it is necessary that the program offer each participant two snacks per day.

A request for proposal (RFP 600024) to provide snacks for the Summer of Discovery program was issued earlier this year. A proposal submitted by Via Christi Regional Medical Center met the RFP criteria in terms of qualifications, experience, references and pricing of snacks. The Screening and

# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 7

Selection committee unanimously ranked Via Christi as the number one company submitting a proposal.

If camp registration meets the maximum capacity of 585 campers per week x 10 weeks, approximately 58,500 snacks will be needed to meet programming nutritional needs. The estimated cost for snacks would be \$35,100. The SOD program has sufficient funding for snacks and other food items needed for the program.

The Law Department has reviewed and approved the contract as to form. The contract will be for one year with annual renewal options for an additional two years.

Motion--  
--carried

Mayans moved that the selection of Via Christi Regional Medical Center be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## RIVER CORRIDOR

### CHANGE ORDER-RIVER CORRIDOR IMPROVEMENTS. (DISTRICT VI)

Agenda Report No. 06-0404

On April 5, 2005, the City Council approved a construction contract with Dondlinger and Sons for River Corridor improvements. A part of the work is the construction of a concrete footing to support the plaza on the east bank of the Little Arkansas River. Exploratory excavation has revealed that the soil conditions are unsuitable for a poured concrete footing and that driven steel pilings are needed.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$20,980 with the total paid by General Obligation Bonds. The original contract amount is \$20,595,000. This Change Order plus previous change orders represents 0.36% of the original contract amount.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Motion--  
--carried

Mayans moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## PROPERTY ACQ.

### PROPERTY ACQUISITION-3510 EAST KINKAID STREET FOR THE DRY CREEK BASIN PROPERTY ACQUISITION PROJECT. (DISTRICT III)

Agenda Report No. 06-0405

There have been several, flooding incidents along the Dry Creek basin in East Wichita. As a result of this, the City Council approved a voluntary property acquisition program. The program calls for the acquisition of up to 19 residential properties that have habitable floors that are below the one hundred year flood elevation. One such property is 3510 East Kinkaid Street, built in 1955. The irregular shaped site consists of 16,086 square feet and is improved with a 2,202 square foot brick, ranch single-family residence.

The appraised value of \$140,000 was offered to the owner. The owner has agreed to sell the property for this amount. The improvements will be removed and the site maintained as open space.

A budget of \$145,750 is requested. This includes \$140,000 for the acquisition, \$5,000 for demolition and \$750 for closing costs and title insurance. The funding source is the Storm Water Utility.

Motion--  
--carried

Mayans moved that that the real estate purchase contract be approved and the necessary signatures are authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 8

## **PROPERTY DISP.      SURPLUS PROPERTY LOCATED AT 202 NORTH GOW. (DISTRICT VI)**

Agenda Report No. 06-0406

The property under consideration is located at 202 North Gow. The City acquired this property as part of the First and Second Street Drainage Outfall Project approved November 19, 2002. Construction of the Drainage Outfall project was completed in 2006. The property consists of two typical residential lots. There is a 1954, three bedroom, 1,068 square foot, brick ranch style house located on the north lot. The improvements on the south lot have been razed to accommodate the City's Drainage Outfall construction and easements. The south lot is no longer a developable tract and would be sold as part of the residential site. The site as a whole is 15,340 square feet and is zoned for Two-Family Use.

All City departments have been notified and have shown no interest in the property.

The City will receive cash consideration for the sale of the property. The surplus and sale of this property to a private party will place additional value into the tax base.

Motion--  
--carried

Mayans moved that the property be declared as surplus and designated as available for sale to the general public. Motion carried 7 to 0.

## **PROPERTY ACQ.      ACQUISITION BY EMINENT DOMAIN OF TRACTS REQUIRED FOR THE COWSKIN CREEK CHANNEL IMPROVEMENT PROJECT FROM KELLOGG TO MAPLE. (DISTRICT V)**

Agenda Report No. 06-0407

Adopt the resolution and approve and place on first reading the ordinance providing for the acquisition by eminent domain of certain real property.

The Cowskin Creek Channel Improvement Project will require the acquisition of all or part of fourteen tracts. One of the required acquisitions is a 6.66-acre parcel along the western portion of 1201 Seville. The parcel has 24.4 total acres and is improved with a 4,061 square foot residence. The acquisition does not physically impact the improvements. A second tract consists of 25.25 acres along the west part of a 65.51-acre site located at 9625 West Maple. A 40.94-acre temporary easement is also required. This site is improved with a 2,254 square foot residence, which is not impacted by the acquisition.

City staff has been attempting to negotiate a purchase of the identified properties but has been unable to reach an agreement with the owners. The tract at 1201 Seville was appraised at \$140,600. This amount was rejected but no counter offer has been received from the owner. The acquisition at 9625 West Maple was valued at \$316,500. The owner provided a counter offer of \$656,783. Staff will continue to negotiate with the owners during the eminent domain process.

The cost of this acquisition will be paid for by the City at large.

Motion--  
  
--carried

Mayans moved that the Resolution be adopted and the Ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition be placed on first reading. Motion carried 7 to 0.

### **RESOLUTION NO. 06-178**

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with planned Cowskin Creek Channel Improvement project from Kellogg to Maple, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.



# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 9

## ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of the Cowskin Creek Channel from Kellogg to Maple in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

### **TAX CREDIT PROG. KANSAS COMMUNITY SERVICE TAX CREDIT PROGRAM APPLICATION. (DISTRICT I)**

Agenda Report 06-0408

Each year since 1994, the Kansas Community Service Program (CSP) has offered a Tax Credit Program for non-profit organizations for use with major capital fund-raising drives for eligible projects. Capital projects eligible for tax credit awards include new facilities or expansion of existing facilities to operate such programs as community service, crime prevention, or health care. Under the program, contributors (usually private for profit companies) receive a tax credit equal to 50% of the amount donated to non-profits for one year following approval of the agency's tax credit application.

The Kansas Community Service Tax Credit Program is administered by the Kansas Department of Commerce. The Department has announced an allocation of \$4.1 million in tax credits for 2006, which will be awarded to eligible non-profit organizations. A Local Government Endorsement is recommended by the Kansas Department of Commerce. If the City does not approve the Local Government Endorsement, the applicant will lose points in the competitive application process.

Rainbows United, Inc., has submitted a request for Local Government Endorsement of their State tax credit application for their capital campaign to support an early care and education facility for children. The application has been reviewed by the Housing and Community Services and Planning Departments, and was found to be consistent with the Consolidated Plan, local codes and zoning requirements.

The proposed application does not obligate the City to the project in any way.

Approval of the Local Government Endorsement does not obligate the City to fund any project or provide real property for the project.

Motion--  
--carried

Mayans moved that the City Council support the application and authorize the Mayor to sign the Local Government Endorsement Form. Motion carried 7 to 0.

### **REENTRY PROGRAM PRISONER REENTRY PROGRAM.**

Agenda Report No. 06-0409

On March 8, 2005, the City Council approved a pilot project to serve 150 high-risk offenders scheduled for release in Sedgwick County. The project was originally presented in concept by the Task Force on Offender Reentry in 2004, at which time staff was directed to discuss the project with District Advisory Boards. Following those discussions in which all DABs voted in support of the project, it was presented for Council approval on March 8, 2005. The Council approved the project and authorized staff to work with the Kansas Department of Corrections and Sedgwick County to determine the extent and scope of the City's involvement in this project.

The staff work has resulted in the development of a Prisoner Reentry Project, which will be funded with cash contributions from the State Department of Corrections and Sedgwick County, and in-kind support from the City of Wichita. The State/County funds will support salaries and equipment for two City of Wichita positions for three years. The City's in-kind match will include the value of office space,

# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 10

miscellaneous office supplies and equipment, and staff supervision. The City Council received a workshop presentation on March 28, 2006, on the Reentry program and companion neighborhood improvement initiative (Transforming Neighborhoods).

The Prisoner Reentry Program will provide supervision and support services to 125-150 offenders who are returning to Wichita. The offenders are being identified from among the Kansas prison population and will receive intensive counseling and training prior to their return. The two funded City positions, Housing Landlord Leasing Specialist (subject to final classification by Human Resources) and Police Officer, will work with the offenders to facilitate their reintegration.

The City will be asked to confirm its in-kind match through a Memorandum of Agreement, which will be approved as to form by the Law Department.

The City has no financial obligation other than as identified as in-kind match. The State/County funding commitment is \$47,500 for the Housing position and \$71,250 for the Police position, as spelled out in the Memorandum of Agreement.

Motion--

--carried

Mayans moved that the creation of two grant-funded positions be approved and the establishment of a grant budget and budget transfers be authorized; and the necessary signatures be authorized. Motion carried 7 to 0.

## **TREATMENT PLANT SEWAGE TREATMENT PLANT ONE UPGRADE-CHANGE ORDER.**

Agenda Report No. 06-0410

HDR was awarded a Contract in the amount of \$495,000 for the design and construction phase oversight of the Plant 1 Improvements project. The project involved the decommissioning of primary processes at Plant 1, the improvement of preliminary treatment processes and replacement of electrical switchgear.

Several modifications were made to this project as a result of unexpected difficulties, including the discovery of 700 feet of deteriorated 60-inch pipe and water infiltration into a key electrical component of the Plant 1 pump station. These required additional professional services from HDR and their subcontractors.

This adjustment represents all of the modifications that will be made to the Contract with HDR as it applies to the Plant 1 Improvements project. An itemized breakdown and the details of the modifications in the Change Order are included in the letter from HDR. No further changes are expected before the completion of the project.

The Change Order is part of Capital Improvement Program S-523, Plant 1 Improvement. Proposed modifications will result in a net increase of \$73,393 representing a 14.8 percent increase to the original Contract. The items represent \$47,613 of the requested amount. The remaining \$25,780 is for additional inspection services required for completion of the project.

The current budget is \$5.2 million. The revised budget will be \$5,275,000. Savings from other Sewer Utility capital improvements projects will negate any impact to the current capital improvement program.

Legal Considerations: Law has reviewed the amended Resolution and Change Order and approved them as to form.

# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 11

Motion--  
--carried

Mayans moved that the Change Order and amended CIP be approved, the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

## RESOLUTION NO. 06-179

A Resolution amending Resolution No. 02-401 pertaining to the Plant 1 Improvements (S-523) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION

### **RESOLUTION ESTABLISHING THE ORDER OF SUCCESSION AS MAYOR OF THE CITY OF WICHITA, KANSAS IN THE ABSENCE FROM THE CITY OF THE MAYOR AND THE VICE MAYOR.**

## RESOLUTION NO. 06-180

A Resolution Establishing the Order of Succession as Mayor of the City of Wichita, Kansas, in the absence from the City of the Mayor and the Vice-Mayor.

WHEREAS, Section 2.04.032 of the City Code provides that the City Council is to designate from the membership thereof, members to serve as Mayor in the absence from the City of the Mayor, Vice Mayor, or other Council Members:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WICHITA, KANSAS:

SECTION 1. That the order of succession as Mayor of the City of Wichita, Kansas, in the absence therefrom of the Mayor and the Vice Mayor or other Council Member shall be:

Council Member Martz  
Council Member Fearey  
Council Member Skelton  
Council Member Brewer  
Council Member Schlapp

SECTION 2. This Resolution shall be in force and effect after its due passage.

Motion--  
--carried

Mayans moved that Resolution be adopted and the necessary signatures be authorized. Motion carried 7 to 0.

## ORDINANCE

### **SECOND READING ORDINANCE: (FIRST READ APRIL 11, 2006)**

- a) PUD2005-00005; PUD #21-generally y located 1/3 mile south of 21st Street North and west of Maize Road. (District V)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 12

## NEW BUSINESS

### **COX MACHINE INC. PUBLIC HEARING AND TAX EXEMPTION REQUEST, COX MACHINE, INC. (DISTRICT V)**

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-0411

On November 20, 2001, City Council approved a five-plus-five year 98% Economic Development Tax Exemption to Cox Machine, Inc. (Cox Machine) for an expansion project that resulted in the construction of a new facility and the purchase of new machinery and equipment. On April 6, 2004, City Council also approved a 61% tax exemption on new manufacturing equipment.

Cox Machine Inc., located at 5338 W. 21st N. in northwest Wichita, was locally formed in 1954. Since its establishment, Cox Machine has achieved consistent growth in its manufacturing of parts for the aerospace industry. Cox Machine recently expanded its manufacturing capacity through acquisition of new machinery and equipment in the amount of \$840,163. Based on a letter of intent, Cox Machine is now requesting approval of an Economic Development Tax Exemption on newly acquired manufacturing equipment in conjunction with the expansion project.

Cox Machine, Inc., is engaged in the manufacture of high quality small parts for the aerospace industry. Cox Machine has a CDC milling department that uses CAD programs, which optimize programming capabilities. Cox Machine also has a grinding department that offers thread grinding and includes centerless as well as cylindrical grinding. Other operations offered by Cox Machine is gun drilling, EDM, sheet metal fabrication, small assembly operations, kitting and engineering. Customers include Raytheon, Boeing, Bombardier, Cessna, Northrop, Lockheed Martin, Middle River, and the U.S. Government among others. Cox Machine exports 96% of its production outside of the State of Kansas.

Staff conducted a site-monitoring visit on March 4, 2004, and as a result of the 2001 and 2004 expansions, Cox Machine had increased employment by 12 employees and is close to meeting the terms and conditions under which the City granted the exemption. Cox Machine currently has 53 employees and projects to add an additional 20 employees over the next five years by expanding operations through acquisition of new manufacturing equipment.

Under the City's Economic Development Incentive Policy, Cox Machine is eligible for the following:

#### **TAX EXEMPTION ELIGIBILITY**

| ELIGIBLE % | INCENTIVE  | EXPLANATION   |
|------------|--|---|
| 56.00%     | New Job Creation:  | Cox Machine will create at least 20 new jobs.                 |
| 15.25%     | Capital Improvements   | Cox Machine will invest at least \$840,163.                   |
| 71.25%     | Sub Total Business – Incentive Eligibility (Maximum allowed is 100%) |   |
| 00.00%     | Location Premium:  | Cox Machine is not located in the central redevelopment area. |

#### **71.25% TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY**

Under the Economic Development Incentive Policy, Cox Machine is eligible for a 70% tax exemption on new personal property for a five-year term. A notice of public hearing has been published. Cox Machine has agreed to comply with the conditions set forth in the Economic Development Incentive Agreement.

# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 13

The estimated first year taxes on Cox Machine's proposed \$840,163 expansion would be \$20,422 on personal property, based on the 2005 mill levy. Using the allowable tax exemption of 70 percent, the City would be exempting (for the first year) \$14,540 of new taxes from the personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$4,088; County/State - \$3,878; and USD 259 - \$6,574.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

|                 |             |
|-----------------|-------------|
| City of Wichita | 3.16 to one |
| Sedgwick County | 2.49 to one |
| USD 266         | 1.27 to one |
| State of Kansas | 9.43 to one |

The City Attorney's Office has approved the Ordinance as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Martz moved that the public hearing be closed and the Ordinance granting a 70% tax exemption on the identified personal property improvements for a five-year term be placed on first reading. Motion carried 7 to 0.

--carried

## ORDINANCE

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Cox Machine, Inc, so exempted, introduced and under the rules laid over.

**ZTM**

### **PUBLIC HEARING AND TAX EXEMPTION REQUEST, ZTM, INC. (DISTRICT III)**

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-0412

On December 19, 2000, City Council approved a five-plus-five year 98% ad valorem tax exemption to ZTM, Inc. (ZTM) for an expansion that included acquisition of an existing facility and purchase of new manufacturing equipment. On November 20, 2001, City Council also approved a 74.5% five-year tax exemption on acquisition of new manufacturing equipment, February 3, 2004, approved a 61% tax exemption on new manufacturing equipment, and on May 3, 2005, City Council approved a 62.5% tax exemption on new manufacturing equipment.

Since establishment, ZTM has sustained consistent growth in manufacturing parts for the aerospace industry. ZTM has once again expanded its manufacturing capacity, to include acquisition of new manufacturing equipment in the amount of \$568,179. Based on a letter of intent, ZTM is now requesting approval of an Economic Development Tax Exemption on acquisition of new manufacturing equipment in conjunction with their expansion.

ANALYSIS: ZTM located at 4011 E. 31st S. in southeast Wichita, was locally formed in 1996. ZTM is a manufacturer of large, complex precision machine parts and assemblies for the aerospace industry. ZTM mills close-tolerance component aircraft parts in support of Wichita's major aircraft manufacturers. ZTM has assembled an impressive and efficient array of equipment, including 3-axis and 4-axis machines. ZTM also performs tooling and prototype work for the aircraft industry. ZTM utilizes sophisticated computer-controlled manufacturing equipment for their precise milling work. ZTM uses state of the art computer automated part loading, high-speed tool changer and chip removal, for speed and efficiency. Their capabilities include manufacturing parts from aluminum, steel, titanium and inconell.

# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 14

Staff conducted a site-monitoring visit on March 17, 2005; ZTM is in compliance with all the terms and conditions under which the City granted the 2001 exemption. ZTM currently employs 57 employees, which the company has added 10 new employees since 2004. ZTM projects to add an additional 9 new jobs over the next five years, at an average annual salary of \$54,479.

ZTM's major customers include Spirit Aerosystems/Boeing Wichita and Boeing Seattle. ZTM exports 100% of all production out of Kansas.

Under the Economic Development Incentive Policy, ZTM is eligible for the following property tax abatement:

## TAX EXEMPTION ELIGIBILITY

| ELIGIBLE % INCENTIVE |  | EXPLANATION   |
|----------------------|--|---|
| 38.0%                | New Job Creation:  | ZTM will create at least 9 new jobs.                  |
| 10.8%                | Capital Improvements:  | ZTM will invest at least \$568,179.                   |
| 48.8%                | Sub Total Business - Incentive Eligibility (Maximum allowed is 100%) |   |
| 00.0%                | Location Premium:  | ZTM is not located in the central redevelopment area. |

## 48.8% TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY

Under the Economic Development Incentive Policy, ZTM is eligible for a 50% tax exemption on new personal property for a five-year term. A notice of public hearing has been published. Cox Machine has agreed to comply with the conditions set forth in the Economic Development Incentive Agreement.

The estimated first year taxes on the proposed \$568,179 expansion would be \$13,811 on personal property, based on the 2005 mill levy. Using the allowable tax exemption of 49 percent, the City would be exempting (for the first year) \$6,739 of new taxes from the personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$1,894; County/State - \$1,798; and USD 259 - \$3,047.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

|                 |             |
|-----------------|-------------|
| City of Wichita | 3.60 to one |
| Sedgwick County | 3.13 to one |
| USD 259         | 1.29 to one |
| State of Kansas | 8.22 to one |

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Skelton moved that the public hearing be closed and that the Ordinance granting a 50% tax exemption on the identified personal property improvements for a five-year term be placed on first reading.

--carried

Motion carried 7 to 0.

## ORDINANCE

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of ZTM, Inc, so exempted, introduced and under the rules laid over.

# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 15

(Agenda Item No. 18)  
**REDEVELOPMENT  
DISTRICT**

(The following Item was taken up later in the meeting; action is shown in Agenda order.)

**PUBLIC HEARING ON THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT, TAX  
INCREMENT FINANCING FOR THE 47TH DISTRICT STREET AND BROADWAY  
REDEVELOPMENT PROJECT. (DISTRICT IV)**

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-0413

On March 7, 2006, the City Council approved D.J. Christie, Inc. as the preferred developer of a redevelopment project in the area of 47th Street South and Broadway; approve a letter of intent to provide Tax Increment Financing in an amount not-to-exceed \$1,500,000, and adopted a resolution stating its intent to consider the establishment of a redevelopment district. The resolution set 10:00 a.m. on April 18, 2006, as the time for a public hearing before the City Council on this matter. Copies of the resolution were mailed to all owners and occupants of property in the proposed area, and to the Board of Sedgwick County Commissioners and the U.S.D. 259 Board of Education, according to state law.

David Christie, a commercial real estate developer from Overland Park, Kansas, approached the City of Wichita with a proposal to redevelop a 21-acre area at the southwest corner of 47th Street South and Broadway. Mr. Christie's plan for the first phase of development of this area calls for the replacement of the existing multi-tenant shopping center at that location with a new, 135,000 square foot Home Depot store and the construction of a new 30,000 square foot retail center on the vacant land adjacent to the west. The total development cost for this phase of the development is estimated at \$8.6 million. Total employment is expected to be 200 jobs at an average wage of \$12 per hour. Mr. Christie has asked the City to assist with the redevelopment project by providing tax increment financing (TIF) in an amount not-to-exceed \$1.5 million to pay for infrastructure, demolition, site work, parking, landscaping and relocation costs.

The proposed redevelopment district is bounded on the west by South Water Street, on the east by South Broadway Street, on the south by East 48th Street South and on the north by East 47th Street South. The district includes a multi-tenant strip retail shopping center built in 1965 and several smaller commercial retail stores and restaurants built on "out parcels" located along 47th Street South and South Broadway Street.

Tax increment financing allows the increased tax revenue resulting from the redevelopment of property to be reinvested in the redevelopment project. Once a TIF district is established and a redevelopment project plan is adopted by City Council, the increment of increased tax revenue is set aside by the County Treasurer and can be used by the City to repay bonds issued to finance certain improvements that are specified in the redevelopment project plan.

Tax increment financing falls under the City's Economic Development Incentive Policy, and as such this project will be subject to the provisions of said Policy, unless specifically waived or adjusted by the City Council. For example, it may be necessary to waive or adjust the requirement that projects must show a cost-benefit ratio of at least 1.3 to one in order to receive incentives. As a commercial redevelopment project consisting of retail businesses, it is unlikely the project will qualify under that requirement.

The Board of County Commissioners and the Board of Education for USD 259 will have 30 days following the public hearing to determine whether the district will have an adverse impact on them, effectively precluding the use of tax increment financing. If the County and School District approve, the tax increment-financing district will be established. It will still be up to the City Council to approve the actual use of tax increment financing by adopting a redevelopment plan for the 47th & Broadway Redevelopment District that includes tax increment financing. Once a redevelopment plan is adopted and sent to the County Clerk, the tax increment revenue generated by redevelopment will be set aside and deposited into a special fund for its prescribed use. TIF revenue will continue to be set-aside in this way until all TIF-financed improvements have been paid, including the retirement of any TIF bonds.

# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 16

The establishment of a redevelopment district will facilitate the use of tax increment financing to pay the cost of a portion of public improvements constructed in conjunction with the proposed 47th & Broadway redevelopment project. Only if the project is approved, a redevelopment plan adopted, and the specific improvements authorized by Council action, will the tax increment revenues generated in the district will actually be utilized.

The ordinance establishing the redevelopment district has been approved by the City's Law Department. The City Council may amend the proposed boundaries of the redevelopment district at the tie of adoption of the ordinance.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Gray moved that public hearing be closed and the Ordinance establishing the 47th & Broadway Redevelopment District Area be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance of the City of Wichita establishing the Broadway & 47th Street Redevelopment District, introduced and under the rules laid over.

## PLANNING AGENDA

John Schlegel

Director of Planning stated that the Planning Agenda could be considered as consensus, except Item 19, unless the Council desired to withhold other Items.

Motion--carried

Mayans moved the Planning Agenda be approved as consensus, except Item 19. Motion carried 7 to 0.

(Agenda Item No. 19)  
123-125 E. DOUGLAS

## APPEAL OF HISTORIC PRESERVATION BOARD ACTION REGARDING DEMOLITION OF 123-125 EAST DOUGLAS. (DISTRICT I)

John Schlegel

Director of Planning Reviewed the Item.

Agenda Report No. 06-0414

At the March 13, 2006 Historic Preservation Board meeting, the applicant requested approval for demolition of a commercial building located at 123-125 East Douglas. Lowell Richardson, a representative of the owners of the property, filed a Certificate of Appropriateness application to demolish and replace it with a 15-space surface parking lot. The property is located within the Central Business zoning district and requires no on-site parking.

This property is located within 500 feet of the Old City Hall – 204 S. Main, the Wheeler Kelly Hagny Building – 120 S. Market, and the Kress Building – 224 E. Douglas which are listed in the Wichita Register of Historic Places, the Register of Historic Kansas Places and the National Register of Historic Places. Kansas State Statute K.S.A. 75-2715 – 75-2725 requires that projects occurring within 500 feet of a state or national register listed property or district be reviewed. The review guidelines set forth specific considerations for evaluation. According to the Sanborn Fire Insurance Maps, a brick building has been in this location since 1887. Although the building is not historically significant, it is part of an intact block face that is typical of the historic character of the commercial area. Removal of the structure for a surface parking lot located in a row of zero-lot line structures does not meet the intent of Environs Design Review Standards Guideline 1 or Guideline 2.

Guideline #1 specifies, "The character of a historic property's environs should be retained and preserved. The removal or alteration of distinctive buildings, structures, landscape features, spatial relationships, etc. that characterize the environs should be avoided."



# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 17

Guideline #2 specifies, "The environs of a property should be used as it has been historically or allow the inclusion of new uses that require minimal change to the environs' distinctive materials, features, and spatial relationships." Demolition of character-defining features or structures with no plans for compatible replacement features or structures is not recommended. Demolition of character-defining structure(s) with the intention of creating open space, such as a parking lot or park is not recommended.

The RTKL Downtown Master Plan, adopted by City Council in 1989, further recommends against creating any openings in the block faces along Douglas Avenue.

In November 2005, the Historic Preservation Board reviewed a request for demolition of 115-121 East Douglas and construction of a multi-level parking garage to be built in its place. HPB granted approval of the demolition and is requiring the applicant to present the final design of the parking garage exterior for approval. The 123-125 East Douglas surface lot would be immediately east of the new parking garage structure.

By a 5-0 vote, the HPB denied the demolition of 123-125 East Douglas because replacing a building with a surface parking lot instead of another structure with similar materials, massing and setback does not meet the environs review standards outlined in K.S.A. 75-2715 – 75-2727 and would erode the historic context of the Old City Hall, Wheeler Kelly Hagney Building and the Kress Building. The applicant is appealing the decision of the HPB.

There are no financial considerations for the City.

The HPB has a programmatic agreement with the State Historic Preservation Office to review applications for all properties individually listed or listed in historic districts in the state/national register of historic places. The Council has review authority over the decision of the Historic Preservation Board, as provided for in K.S. A. 75- 2724 and the City Code Section 2.12.1023(c), and (f). In order for the City Council to overturn the decision of the HPB, all relevant factors must be considered and must find there is no "feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use".

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Cybil Strum

Ms. Strum stated that she recommended keeping the building and making it into a garage or something.

Ray Frederick

Mr. Frederick, 815 North Main, stated that he recommended allowing the applicant time to review the options.

Motion--  
carried

Brewer moved to defer this Item until the May 2 Council meeting so that the Staff and applicants can meet to discuss options and recommendations. Motion carried 7 to 0.

**SUB2005-82**

**SUB2005-82-PLAT OF CONQUEST NORTH SECOND ADDITION, LOCATED SOUTH OF 29TH STREET NORTH AND WEST OF HILLSIDE. (DISTRICT I)**

Agenda Report No. 06-0415

This site, consisting of 53 lots on 15.17 acres, is a replat of a portion of the Conquest North Addition and is located within Wichita's city limits. The site is zoned TF-5, Two-family Residential District. The Conquest North Community Unit Plan (CUP/DP-24) has been approved, and a Notice of Community Unit Plan (CUP) has been submitted.

City water services are available. Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer and drainage improvements. A Restrictive Covenant was submitted to provide for the creation of a Lot Owners' Association for the ownership and maintenance of the reserves and private street.

# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 18

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Notice of Community Unit Plan, Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

## RESOLUTION NO. 06-181

Resolution of findings of advisability and resolution authorizing construction of Lateral 119, Sanitary Sewer No. 23 (west of Hillside, north of 27<sup>th</sup> Street North) 468-84173, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-182

Resolution of findings of advisability and resolution authorizing improving Storm water Drain No. 293 (west of hillside, north of 27<sup>th</sup> Street North) 468-84174, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SUB2005-87

### **SUB2005-87-PLAT OF CRESTLAKE ADDITION, LOCATED ON THE NORTH SIDE OF CENTRAL AND WEST OF 127TH STREET EAST. (DISTRICT II)**

Agenda Report No. 06-0416

This site, consisting of 66 lots on 35.97 acres, is located in Wichita's city limits. This site is zoned SF-5, Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for street, sewer, water and drainage improvements. Restrictive Covenants were submitted to: 1) provide for the creation of a Lot Owners' Association for the ownership and maintenance of the reserves being platted for drainage purposes; and 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

## RESOLUTION NO. 06-183

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90192 (north of Central, west of 127<sup>th</sup> Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 19

## RESOLUTION NO. 06-184

Resolution of findings of advisability and resolution authorizing construction of Lateral 396, Four Mile Creek Sewer, 468-84182 (north of Central, west of 127<sup>th</sup> Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-185

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 294, 468-84183 (north of Central, west of 127<sup>th</sup> Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-186

Resolution of findings of advisability and resolution authorizing constructing pavement on Bracken/Troon/Woodridge from the north line of Central to the north line of Central; Bracken Court, from the west line of Bracken to and including the cul-de-sac, Troon Court, from the south line of Troon to and including the cul-de-sac; White Tail from the north line of Troon to a point approximately 50' north of the north line of Crestlake, 472-84406 (north of Central, west of 127<sup>th</sup> Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

DED2006-07

### **DED2006-07-DEDICATION OF A UTILITY EASEMENT, LOCATED NORTH OF 29TH STREET NORTH AND WEST OF BROADWAY. (DISTRICT VI)**

Agenda Report No. 06-0417

This Dedication is associated with a lot split case (SUB 2006-20). The Dedication is for construction and maintenance of public utilities.

There are no financial considerations.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

### **AIRPORT AGENDA**

**AIRFIELD SWEEPER PURCHASE OF AIRFIELD SWEEPER.**

Agenda Report No. 06-0418

On March 21, 2006 three bids were received for the purchase of a new airfield sweeper. The new equipment will replace an airfield sweeper that is 11 years old.

The lowest bid received from Midwest Truck Equipment was higher than the estimated budget amount.

# CITY COUNCIL PROCEEDINGS

JOURNAL 186

APRIL 18, 2006

PAGE 20

An increase of \$11,000 is requested for the purchase of the equipment. The adjusted budget total is \$161,000. Funds will come from Passenger Facility Charge (PFC) collections.

Motion--carried      Mayans moved that the capital project budget increase be approved. Motion carried 7 to 0.

## CITY COUNCIL

### APPOINTMENTS

### BOARD APPOINTMENTS.

Council Member Fearey      Council Member Fearey appointed Mary San Martin to the Community Corrections Board.

Motion--carried      Mayans moved that the appointment be approved. Motion carried 7 to 0.

### TRAVEL EXPENSE

### APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO ATTEND U.S. CONFERENCE OF MAYOR'S JERUSALEM CONFERENCE OF MAYORS, MAY 6-13, 2006.

Motion--carried      Mayans moved that the expenditures be approved. Motion carried 7 to 0.

### RECESS

Motion--

Mayans moved that the City Council recess at 9:50 a.m. and go into Executive Session at 9:55 a.m., to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: legal advice, contract negotiations, and preliminary discussions relating to the acquisition of real property for public purposes; and that the City Council return from Executive Session no earlier than 10:20 a.m. and reconvene in the City Council Chambers on the first floor of City Hall, at which time they would take up Agenda Item 18. Motion carried 7 to 0.

--carried

### RECONVENE

The City Council reconvened in the City Council Chambers at 10:24 a.m. Mayor Mayans announced that no action was taken.

Motion--carried      Mayans moved at 10:24 a.m. to close the Executive Session. Motion carried 7 to 0.

### Agenda Item No. 18

(Agenda Item No. 18 was taken up. Action is shown in Agenda Order).

Motion--carried      Mayans moved at 10:35 a.m. that the regular meeting be adjourned. Motion carried 7 to 0.

### ADJOURNMENT

The City Council meeting adjourned at 10:35 a.m.

Respectfully submitted,

Patsy Eichacker  
Deputy City Clerk

\*\*\*Workshop followed in the First Floor Boardroom\*\*\*